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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, a multi-county rapid transit district established and existing under the laws of California;

17 Plaintiff,

18 ||

19 **WILLIAM D. SPENCER**, an individual;
20 **F.W. SPENCER & SON, INC.**, a
21 California corporation; **BRISBANE**
22 **MECHANICAL CO.**, a California
corporation; **WILLIAM MCGAHAN**, an
individual; **BRUCE R. BONAR**, an
individual; and **DOES 1-25**,

23 Defendants.

Case No. C 04 4632 SI

**STIPULATION AND [PROPOSED]
ORDER FOR ENLARGEMENT OF TIME
AND MODIFICATION OF HEARING
SCHEDULE**

Hearing Date: May 11, 2007
Hearing Time: 9:00 a.m.
Location: Courtroom 10
Judge: Honorable Susan Illston

1 WHEREAS on April 2, 2007, Defendants filed a renewed motion for judgment as a matter
2 of law, or in the alternative, motion for new trial, to alter or amend judgment, for relief from
3 judgment and for a stay, pursuant to Federal Rules of Civil Procedure 50, 59, 60 and 62 (Doc.
4 #370), which is currently set to be heard on May 11, 2007;

5 WHEREAS on April 6, 2007, Defendants filed a bill of costs (Doc. #376) and a motion
6 for prevailing party status and for attorneys' fees (Doc. #379), which is currently set to be heard
7 on May 11, 2007; and

8 WHEREAS Plaintiff seeks an extension of time to file its oppositions to these motions
9 (together, the "Post-Trial Motions") and the parties wish to coordinate the briefing and hearing
10 schedule for the Post-Trial Motions.

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12 **IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:**

13 (1) Plaintiff San Francisco Bay Area Rapid Transit District ("BART") shall have until
14 Monday, April 30, 2007, to file its oppositions to both of the Post-Trial Motions;

15 (2) BART's opposition to Defendants' motion for judgment as a matter of law (Doc.
16 #370) shall not exceed 43 pages in length;

17 (3) Defendants shall have until Monday, May 7, 2007, to file its reply briefs, if any, in
18 further support of the Post-Trial Motions;

19 (4) Defendants' reply to BART's opposition to Defendants' motion for judgment as a
20 matter of law (Doc. #370) shall not exceed 25 pages in length;

21 (5) The Post-Trial Motions shall be heard on Friday, May 11, 2007 at 9:00 a.m., as
22 currently scheduled, or on such later date as the Court in its discretion shall choose; and

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1 (6) BART shall not attempt to enforce the judgment entered on March 29, 2007 until
2 the Court has ruled on Defendants' motion to stay enforcement of the judgment, pursuant to
3 Federal Rule of Civil Procedure 62(b).

4
5 DATED: April 11, 2007

SQUIRE, SANDERS & DEMPSEY L.L.P.

6
7 By: /s/Evan S. Nadel

8 Attorneys for Plaintiff

9
10 DATED: April 11, 2007

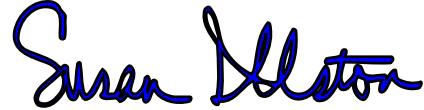
MCINERNEY & DILLON, P.C.

11
12 By: /s/LeCarie S. Whitfield

13 Attorneys for Defendants

14 **IT IS SO ORDERED.**

15 DATED: _____



16 HON. SUSAN ILLSTON

PROOF OF SERVICE
(Pursuant to Federal Law)

The undersigned certifies and declares as follows:

I, JOHN R. AGUILAR, am a resident of the State of California and over 18 years of age and am not a party to this action. My business address is One Maritime Plaza, Suite 300, San Francisco, California 94111-3492, which is located in the county where any non-personal service described below took place.

On April 11, 2007, a copy of the following document(s):

STIPULATION AND [PROPOSED] ORDER FOR ENLARGEMENT OF TIME AND MODIFICATION OF HEARING SCHEDULE

was served via United States District Court Electronic Filing Service on the party(ies) as set forth below:

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M. MCGAHAHAN

(copies sent via e-mail to:
tlm@mcinerney-dillon.com and
gjg@mcinerney-dillon.com)

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on April 11, 2007, at San Francisco, California.

/s/John R. Aguilar
JOHN R. AGUILAR